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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/447,717	05/23/1995	ROGER G. STEWART	112.P56033RE	8866
43831 755 BERKELEY LAV	90 03/23/2007 W & TECHNOLOGY	EXAMINER		
1700 NW 16 7 TH		NGUYEN, JIMMY H		
SUITE 240 BEAVERTON, OR 97006			ART UNIT	PAPER NUMBER
22.1.			2629	
SHORTENED STATUTORY I	PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE	
3 MONTHS		03/23/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)				
	08/447,717	STEWART, ROGER G.				
Office Action Summary	Examiner	Art Unit				
·	Jimmy H. Nguyen	2629				
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address				
A SHORTENED STATUTORY PERIOD FOR REPLY	/ IS SET TO EXPIRE 3 MONTH	S) OR THIRTY (30) DAVS				
WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be time rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status						
1)⊠ Responsive to communication(s) filed on 10/27	7/1999 & 11/13/2006.					
	action is non-final.					
Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under E	x parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.				
Disposition of Claims						
4)⊠ Claim(s) <u>1-8,10-12,14-16,20,22,25,27 and 30-32</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>1-8,10-12,14-16,20,22,25,27 and 30-32</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or	election requirement.					
Application Papers		·				
9) The specification is objected to by the Examine	r.					
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.						
Applicant may not request that any objection to the	•					
Replacement drawing sheet(s) including the correcti	ion is required if the drawing(s) is obj	ected to. See 37 CFR 1.121(d).				
11) The oath or declaration is objected to by the Ex	aminer. Note the attached Office	Action or form PTO-152.				
Priority under 35 U.S.C. § 119						
12) Acknowledgment is made of a claim for foreign a) All b) Some * c) None of:	priority under 35 U.S.C. § 119(a)	-(d) or (f).				
1. ☐ Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau	(PCT Rule 17.2(a)).	-				
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)	∆\ □ ((DTO 440)				
Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948)	4) Interview Summary Paper No(s)/Mail Da					
Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	5) Notice of Informal P 6) Other:					

DETAILED ACTION

Reissue Applications

1. This application is objected to under 37 CFR 1.172(a) as lacking an Assent of Assignee from the **current** assignee(s). The consent of the assignee must be in compliance with 37 CFR 1.172. See MPEP § 1410.01.

A proper assent of the assignee in compliance with 37 CFR 1.172 and 3.73 and a Statement under 37 CFR 3.73(b) are required in reply to this Office action.

Drawings

2. New formal drawings (Figures 7 and 8) in compliance with 37 CFR 1.121(d) are required in this application because the proposed drawings (Figs. 7 and 8) filed on 01/22/1998 and approved by the Examiner are informal. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 03/13/2000 is considered by the examiner except that the "European Search Report ... 2205" listed in the "other Documents" section is crossed out because the listing of references in the Search Report is not considered to be an information disclosure statement (IDS) complying with 37 CFR 1.98. 37 CFR 1.98(a)(2) requires a legible copy of: (1) each foreign patent; (2) each publication or that portion which caused it to be listed; (3) for each cited pending U.S. application, the application specification

including claims, and any drawing of the application, or that portion of the application which caused it to be listed including any claims directed to that portion, unless the cited pending U.S. application is stored in the Image File Wrapper (IFW) system; and (4) all other information, or that portion which caused it to be listed. In addition, each IDS must include a list of all patents, publications, applications, or other information submitted for consideration by the Office (see 37 CFR 1.98(a)(1) and (b)), and MPEP § 609.04(a), subsection I. states, "the list ... must be submitted on a separate paper." Therefore, the references cited in the Search Report have not been considered. Applicant is advised that the date of submission of any item of information or any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the IDS, including all "statement" requirements of 37 CFR 1.97(e). See MPEP § 609.05(a).

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Defective Reissue Oath/Declaration

4. The reissue oath/declaration filed with this application is defective because the defect in the original Oath/Declaration filed 05/23/1995 or the Oath/Declaration filed 08/19/1996 is in the language of acknowledging the duty to disclose. The language,

> "I acknowledge the duty to disclose information which is material to the examination of this reissue application in accordance with Title 37, Code of Federal Regulations section 1.56(a)",

does not comply with the language from the Title 37 C.F.R. 1.63(b)(3) that requires the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to material to patentability as defined in Title 37, Code of Federal Regulations section <u>1.56</u>. Note that the Supplemental Declaration filed on 10/27/1999 is not

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sufficient to overcome the deficiencies in the original Declaration. Accordingly, a complete Declaration is required and must be accompanied by the written consent of all assignees, in compliance with 37 CFR 1.172.

Rejection, Defective Reissue Oath

5. Claims 1-8, 10-12, 14-16, 20, 22, 25, 27, and 30-32 are rejected as being based upon a defective reissue declaration under 35 U.S.C. 251 as set forth above. See 37 CFR 1.175.

The nature of the defect(s) in the declaration is set forth in the discussion above in this Office action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy H. Nguyen whose telephone number is 571-272-7675. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 3:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala can be reached at 571-272-7681. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JHN March 16, 2007 Jimmy H. Nguyen Primary Examiner

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